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the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixtieth session
4-22 March 2002

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination*

QATAR

1. The Committee considered the ninth, tenth, eleventh and twelfth periodic reports of Qatar, submitted as one document (CERD/C/360/Add.1), at its 1503rd and 1504th meetings (CERD/C/SR.1503 and 1504), held on 8 and 11 March 2002, and adopted the following concluding observations at its 1518th meeting (CERD/C/SR.1518), held on 20 March 2002.

A. Introduction

2. The Committee welcomes the report submitted by the State party and the additional information provided by the delegation of Qatar in its oral presentation. It is pleased to have resumed a dialogue with the State party, which was interrupted after 1993 when the Committee examined the eighth periodic report of Qatar.

3. The Committee wishes to emphasize, however, that the report submitted is not entirely consistent with its guidelines. It notes that the State party has not submitted general information in the first part of the report, or in a core document. Equally, the report contains insufficient information on how the Convention is applied in practice.

* Please note that the symbol CERD/C/Session No./CO/... will from now on replace the previous symbol CERD/C/304/Add...

B. Positive aspects

4. The Committee welcomes the political reforms on which the State party has embarked, and notes in particular the review of legislation on civil liberties, the lifting of censorship on the printed media, the first elections to the Central Municipal Council, conducted with universal and equal suffrage in 1999, and the announcement of the forthcoming establishment of an elected parliament.

5. The Committee also notes with satisfaction that the State party has established a committee to draft a permanent constitution. It notes in particular the information from the delegation of Qatar that all sectors of society are represented in that committee.

6. The Committee welcomes the State party's declared intention to ratify in the near future the Convention on the Elimination of All Forms of Discrimination against Women, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

7. The Committee welcomes the assurance by the delegation of Qatar that it will forward to the competent governmental authorities the Committee's suggestion that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted on 15 January 1992 at the Fourteenth Meeting of States Parties, and should make the declaration provided for in article 14 of the Convention.

C. Concerns and recommendations

8. The Committee again expresses its concern over the repeated affirmations by the State party that it has no need to take action to implement articles 2, 3 and 4 of the Convention because there is no racial discrimination in Qatar. It wishes to point out that States parties are required under the Convention to take legislative, judicial, administrative and other measures to give effect to its provisions, even in the apparent absence of racism.

9. While noting that the Provisional Constitution, as well as provisions of the Islamic Shariah, the principal source of Qatar legislation, prohibit acts of racial discrimination, the Committee is of the opinion that the mere statement of the general principle of non-discrimination in the Constitution is not a sufficient response to the requirements of the Convention. The Committee recommends that the State party adopt legislation that meets the requirements of articles 2, 3 and 4 of the Convention. In this connection, the Committee draws attention to its general recommendations I, II, VII and XV, and emphasizes the preventive value of legislation expressly prohibiting racial discrimination and racist propaganda. It hopes that the next periodic report of the State party will describe the progress made in this respect.

10. As regards the right to equal treatment before the courts, the Committee takes note of the details provided by the delegation on the judicial reforms under way with a view to the establishment of a single jurisdiction for the enforcement of new legislation in areas including civil, commercial and penal law. It would like to know whether, given the current state of legislation, non-citizens and non-Muslims who suffer discrimination and who are entitled to

bring proceedings before a civil court can also bring their cases before the Islamic Shariah courts. The Committee also wishes to know to what extent the Convention can be invoked before the civil and Shariah courts, and what rules of the Shariah answer to the requirements of the Convention. It wishes to receive more information about the relationship between the Provisional Constitution of 1972, in particular article 9 guaranteeing equality before the law, and the principles of Shariah as a source of law.

11. The Committee notes the information provided by the delegation on the conditions governing the acquisition of the nationality of Qatar. It is nonetheless concerned at the distinction made in article 3 of Act No. 3/1963, as amended by Act No. 3/1969, between nationals of Arab countries and others as regards the length of time they must reside in Qatar before they can submit an application for naturalization. The Committee requests the State party to consider the possibility of modifying this provision in order to conform to article 5 (d) (iii) of the Convention. It wishes also to receive more information regarding modalities for the acquisition of nationality for children of mixed marriages.

12. The Committee notes with concern the distinction drawn between citizens by birth and naturalized citizens as regards access to public office and other kinds of employment, as well as the right to vote and to stand for election. The Committee believes that the supplementary conditions attached to the exercise of these rights by naturalized citizens are not consistent with article 5 (c) and (e) (i) of the Convention. It recommends that the State party bring its legislation into line with article 5 of the Convention. It also requests that the next periodic report of the State party provide information on the number of naturalized persons in Qatar and their nationalities before naturalization.

13. Concern was expressed that marriage between nationals of Qatar and foreigners is subject to prior approval by the Minister of the Interior. The Committee requests the State party to explain in its next periodic report the reason for such a restriction on the right to marry and choose one's spouse, and would like to have further information on the scope of this restriction.

14. The Committee also notes with concern that the State party does not appear to guarantee freedom of marriage between nationals and non-nationals unless the latter are nationals of States members of the Gulf Cooperation Council. Such a distinction, based upon national origin, does not, in the Committee's view, appear to be consistent with article 5 (d) (iv) of the Convention.

15. The Committee notes that the State party's legislation does not, in principle, allow members of different religions to inherit from each other; it has learned from the delegation's explanations, however, that a Muslim can draw up a will in favour of a non-Muslim. The Committee emphasizes that such a situation should not result in certain categories of people being excluded from the right to inherit, given the requirements of article 5 (d) (iv) of the Convention. The Committee asks the State party to include fuller information on this subject in its next report.

16. Members of the Committee noted that foreigners leaving the territory of the State party must present a guarantee or a certificate. The Committee wishes to know whether this requirement extends to all foreigners.

17. The Committee notes that, as a general rule, foreigners are not permitted to own real estate in Qatar, except within certain limits. The Committee would like to receive more information about these limits.

18. On the subject of education, the Committee notes with satisfaction the existence of numerous schools run by foreign nationals, which follow varying curricula. In this regard, the Committee requests that the next report provide more information on the extent and nature of the Minister of Education's supervision of the curricula in these schools and how the integration of these schools into the national school system is sought.

19. The Committee recommends that the State party institute training programmes on human rights and understanding among ethnic groups for law enforcement officials, including policemen, military and prison staff, and members of the judiciary.

20. While noting with satisfaction that minorities are entitled to practise their religious rites, the Committee wishes to receive further information regarding limitations on this right, based on respect for public order or Islamic precepts.

21. The Committee has taken careful note of the assurances by the State party delegation that the law guarantees all workers equal status. It wishes, however, to obtain further information on the practical implementation of this principle, particularly given the high proportion of migrant workers in Qatar. The Committee requests the State party to include in its next periodic report statistics disaggregated by migrants' national origin, which would provide a better understanding of the economic and social standing of non-nationals of Qatar in relation to their national and ethnic origins.

22. The Committee requests the State party to include in its next periodic report information on progress made in establishing a national human rights institution, and further details of the intended membership, mandate and status of that institution. In this connection, it draws the attention of the State party to the Paris Principles annexed to General Assembly resolution 48/134.

23. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

24. The Committee recommends that the text of the Convention and its own concluding observations be disseminated as widely as possible. It notes with satisfaction the delegation's statement that the Al-Jezira television network of Qatar could play an important role in publicizing the Convention and the work of the Committee within the Arab world.

25. The State party is invited to include in its next periodic report specific information on the composition of the population, including its ethnic and demographic characteristics.

26. The Committee recommends that the State party submit its thirteenth periodic report together with the fourteenth report, due on 21 August 2003, as an updated report responding to all the points raised in these concluding observations.